

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES**

Case No: 11-2328

Case Name: USA v DTE Energy, et al.

Is this case a cross appeal? ☐ Yes ☒ No

Has this case or a related one been before this court previously? ☐ Yes ☒ No

If yes, state:

Case Name: \_\_\_\_\_ Citation: \_\_\_\_\_

Was that case mediated through the court's program? ☐ Yes ☒ No

**Please Identify the Parties Against Whom this Appeal is Being Taken and the Specific Issues You Propose to Raise:**

The United States proposes to appeal the district court's judgment in favor of defendants DTE Energy and Detroit Edison Co. On appeal the United States may raise the following issues:

1. Did the district court err by holding that EPA's 2002 NSR Reform Rules allow power plants to base permitting decisions on post-project monitoring data rather than on pre-project emissions predictions?
2. Did the district court err by holding that Detroit Edison's notice letter to the State satisfied the recordkeeping requirements in the new 2002 NSR Reform rules?
3. Did the district court err by limiting limited EPA's action to the specific allegations in its notice of violation?

This is to certify that a copy of this statement was served on opposing counsel of record this 7th day of

December, 2011.

Sambhav N. Sankar

Name of Counsel for Appellant